



North Carolina Department of Health and Human Services
Division of Health Service Regulation

Pat McCrory
Governor

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Secretary DHHS

Drexdal Pratt
Division Director

January 22, 2013

Jim Swann, Director of Market Development
Fresenius Medical Care
3725 National Drive
Raleigh, NC 27612

Denial of Exemption from Certificate of Need Review

Facility or Business: FMC Craven County
Project Description: Add in-center Peritoneal Dialysis training and support
County: Craven County
FID #: 100879

Dear Mr. Swann:

In response to your letter of December 27, 2012, the above referenced proposal is a new institutional health service within the meaning of G.S. 131E-176(16)(e) because it results in a change in a project that was subject to certificate of need review and for which a certificate of need was issued and the change is proposed within one year of project completion. Therefore, FMC Craven County may not proceed to develop or offer in-center Peritoneal Dialysis training and support without first obtaining a certificate of need.

This decision is based on the following finding:

1. The certificate of need was issued March 3, 2011.
2. The facility's progress report dated October 26, 2012 indicated an estimated project completion date of October 31, 2012.
3. The requested change in the project is within one year of the projected completion of the project.

Any person aggrieved by this decision may file a petition for a contested case hearing in accordance with G.S. 150B, Article 3, as amended. This petition must be filed with the Office of Administrative Hearings 6714 Mail Service Center, Raleigh, North Carolina 27699-6714 within thirty (30) days of the date of this decision. [Note: Effective October 1, 2009, OAH requires a



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filing fee with submittal of petitions for contested cases. Please direct all questions regarding this fee to OAH Clerk's Office (919-431-3000).]

Therefore, if you file a petition for a contested case hearing, you must serve a copy of the petition on the Department of Health and Human Services by mailing a copy of your petition to:

Emery Milliken
Department of Health and Human Services,
Office of Legal Affairs,
Adams Building – Room 154
2001 Mail Service Center
Raleigh, North Carolina, 27699-2001

It is requested that a copy of the petition also be served on the Certificate of Need Section.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,



Jane Rhoe-Jones, Project Analyst



Craig R. Smith, Chief
Certificate of Need Section

c: Medical Facilities Planning Section, DHSR
Acute and Home Care Licensure and Certification Section, DHSR